

Permitting & Assistance Branch Staff Report
Revised Solid Waste Facilities Permit for the
Athens Sun Valley Material Recovery Facility and Transfer Station
SWIS No. 19-AR-5581
August 27, 2014

Background Information, Analysis, and Findings:

This report was developed in response to the City of Los Angeles, Department of Building and Safety, Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for the Athens Sun Valley Material Recovery Facility and Transfer Station (MRF & TS), located in Sun Valley (City of Los Angeles), SWIS No. 19-AR-5581, and owned and operated by Arakelian Enterprises (doing business as Athens Services). A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was received on July 8, 2014. A new proposed permit was received on August 18, 2014. Action must be taken on this permit no later than October 17, 2014. If no action is taken by October 17, 2014, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

Proposed Changes:

The following changes to the first page of the permit are being proposed:

	Current SWFP (2010)	Proposed SWFP
Hours of Operation	Material Processing/Refuse Transfer – 7:00AM to 8:00 PM, Monday through Sunday	Material Processing – 24 hours per day, Monday through Sunday Material Refuse Transfer – 7:00 AM to 8:00 PM, Monday through Sunday

Other changes include:

1. Revisions to the following sections of the SWFP: "Findings," documents that describe and/or restrict the operation of the facility, and "LEA Conditions" including the rewording, additions and/or deletions for the purpose of updating and/or clarifying.

Key Issues:

The proposed permit will allow for the following:

- The acceptance of up to 1,500 tons per day (TPD) of municipal solid waste (MSW), instead of up 1,000 TPD of MSW and 500 TPD of construction and demolition debris;
- The facility will no longer receive, process, and transfer construction and demolition and inert (CDI) debris.
- A revised Transfer/Processing Report to include an updated site plan with redesigned structures which will have the same general footprint, but all processing activities fully enclosed.

Background:

Athens Sun Valley MRF & TS is an existing facility that has been in operation since the early 1990's. On July 16, 2008, a temporary SWFP was issued by the LEA once it was determined the facility received greater than 10 percent by weight of residual material. On June 30, 2010, the facility was issued a full SWFP by the LEA to allow for a large volume transfer/process facility with a permitted throughput of 1,500 TPD, consisting of no more than 1,000 TPD of municipal solid waste and 500 TPD of construction and demolition waste. The operator ceased the receipt of waste and transfer/processing activities in October 2013, and has since been working on the construction phase of facility improvements.

Findings:

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated July 8, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on July 8, 2014. The LEA provided a copy to the Department on July 8, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on August 18, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on July 8, 2014, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Non-Disposal Facility Element, as described in their memorandum dated July 11, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	Permitting and Assistance Branch staff has determined that the design and operation as described in the submitted Transfer/Processing Report will allow the proposed facility to comply with State Minimum Standards and permit requirements.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on July 8, 2014, that the proposed permit is consistent with and supported by the existing	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
	CEQA documentation. See Environmental Analysis section below for details.	
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on May 29, 2014. Six members of the public attended the meeting. Oral and written comments received by LEA staff were addressed by LEA staff. Department staff received written comments via email on June 13, 2014. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

Permitting and Assistance Branch staff has determined that the design and operation as described in the submitted Transfer/Processing Report (TPR) will allow the proposed facility to comply with State Minimum Standards and permit requirements. The facility ceased receipt of waste and transfer/processing activities and has been in the construction phase since October 2013.

The LEA has not noted any violations of State Minimum Standards or permit requirements during the last five years.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the LEA, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include:

- Permitted hours of operation to allow for indoor processing of municipal solid waste from 7:00AM to 8:00PM, Monday through Sunday to 24 hours per day, Monday through Sunday. The receipt and transfer of waste material will remain 7:00AM to 8:00PM, Monday through Sunday.
- The acceptance of up to 1,500 tons per day (TPD) of municipal solid waste (MSW), instead of up 1,000 TPD of MSW and 500 TPD of construction and demolition (C&D) debris;
- The receipt, transfer, and processing of CDI debris material will be discontinued.
- The project site improvements includes a fully enclosed building for transfer/processing operations equipped with a misting and ventilation system with odor neutralizers to create a negative air pressure environment.

These changes are supported by the following environmental document.

A Draft Environmental Impact Report (EIR), State Clearinghouse No. 2007031090, was circulated for a 90 day extended review period from September 26, 2008 through December 24, 2008, and a Final EIR was certified on February 1, 2010 by the LEA and re-certified on June 24, 2010. CEQA Findings, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program were adopted by the LEA on June 24, 2010.

On August 17, 2012, the City of Los Angeles, Department of City Planning, authorized the continued use and maintenance of the facility and to modify the site to be fully enclosed, to allow for recyclable materials to include commingled and source-separated recyclable materials, and to allow the hours of operations for indoor activities to be 24 hours per day. In addition, a Notice of Exemption was issued by the City of Los Angeles Planning Department on April 5, 2012.

The LEA has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental documents.

The Department reviewed the revised project for any new or more severe significant environmental effects that are within its jurisdiction to control. Although there are changes to the design of the proposed structures since certification of the Final EIR, the proposed structures will have the same general footprint so there are no new significant impacts beyond those analyzed in the Final EIR. Furthermore, any environmental effects related to the construction of these structures are outside the jurisdiction of the Department to control and are thus not subject to the Department's CEQA review. Changes in the structure design, tonnage composition, and processing hours will not result in any new significant impacts or substantial increase related to noise, dust, odor, or air quality beyond those already analyzed in the Final EIR. The CDI processing, including outdoor tub grinders, will be removed as part of the revised project thus lowering noise impacts as compared to the existing project. All processing operations will be within fully enclosed structures with negative pressure, misting, and odor controls implemented as part of the design thus keeping noise, dust, odor, and air quality impacts below a level of significance. In addition, since there is no change in the ingress/egress to the facility and trucks carrying MSW will have a greater tonnage capacity than trucks carrying C&D debris according to the Final EIR (and are therefore able to deliver equivalent tonnage with fewer truck trips), traffic impacts are expected to decrease compared to the existing project analyzed in the Final EIR.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the Final EIR as prepared by the Lead Agency. There is no substantial evidence in the record to indicate the changes to the project will result in any new or more severe significant effects on the environment that are within the jurisdiction of the Department to control beyond those already considered in the Final EIR. Thus, there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document, pursuant to 14 CCR Sections 15162 and 15163 respectively, or assume the role of Lead Agency, pursuant to 14 CCR Section 15052, for its consideration of the proposed revised SWFP. Department staff further recommends the Final EIR, together with the CEQA finding is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed SWFP and all of its components and supporting documentation, this staff report, the Final EIR, the Notice of Intent, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on May 29, 2014, at the Stone Building, Stonehurst Recreation Center, 9901 Dronfield Street, in the City of Los Angeles. Six members of the public were in attendance and raised the following concerns relative to the project and permit revision application process:

1. A concern was raised with regard to impacts associated with Athens Services' waste collection vehicle yard. The vehicle storage yard is outside the permitted boundary and does not conduct any solid waste transfer/processing activities; therefore it is outside the jurisdiction of the LEA.
2. A concern was raised with regard to impacts of the truck routes on the local neighborhood and streets. This concern is outside the jurisdiction of the LEA and was referred to the correct regulatory agency by the LEA.
3. A question was asked about the requirements for clean fuel vehicles. This concern is outside the jurisdiction of the LEA and was referred to the correct regulatory agency by the LEA.
4. A concern was raised with regard to the impact of employee parking on adjacent street. The employee parking lot is outside of the permitted boundary and therefore outside of the authority of the LEA.
5. A speculation was raised regarding the impacts on air quality, particularly stemming from the venting of the negative air system. The LEA provided a brief description of the building design and clarified that air quality is under the regulatory authority of the local air quality management district.
6. A question was asked about the requirements for landscaping. This concern is with regard to a local land use requirement; therefore it is outside the jurisdiction of the LEA.
7. A question was asked about the requirements to capture of storm water on-site. The LEA summarized aspects of drainage control that are covered under 14 CCR Section 17407.3 – Drainage Control.
8. A concern was raised with regard to complete and accurate record keeping. One of the many duties of the LEA is to ensure that the facility is in compliance with 14 CCR Section 17414 – Recordkeeping.
9. A concern was raised with regard to requirements for the construction and maintenance of the floors. The construction phase of the project is outside the jurisdiction of the LEA. The maintenance of the operation or facility is a requirement that is specified in 14 CCR Section 17408.6 – Maintenance Program.

Since the LEA's public information meeting, the LEA received three comment letters and emails from the public, which the LEA subsequently responded. Additionally, the proposed SWFP and TPR have been clarified in order to address the issues and concerns which are under the authority of the LEA pursuant to 14 and 27 CCR.

On June 13, 2014, a public comment letter was emailed to Department staff regarding issues and concerns with the permit revision and which were similarly raised during the public information meeting. The issues and concerns raised in the e-mail include vehicle traffic, project review, hours of operation, recordkeeping, CEQA, employee hiring, and local fees/taxes. Staff has included a summary of the comments and responses below.

Project Review/CEQA

A comment was received regarding the need for a review of the entire project due to a change in project activities and that CEQA was inadequate due to the lack of environmental analysis for the vehicle parking.

In response, and as detailed in the Environmental Analysis section above, existing CEQA prepared for the project was analyzed by the Lead Agency to determine whether a significant environmental impact would result from the proposed SWFP. Once the application for permit action was received, the LEA examined the application package and determined it met the requirements of 27 CCR Section 21570. Once a complete and correct determination was made by the LEA and the noticing requirements were met, a proposed SWFP package was submitted to the Department for concurrence. Department staff reviewed the submittals and findings required by 27 CCR Section 21685, as detailed above, and recommends concurrence with the issuance of the proposed revised SWFP.

The vehicle parking yard is outside of the permitted boundary and does not conduct any solid waste transfer/processing activities; therefore, it is outside of the authority of the LEA.

Vehicles and Traffic

A comment was received regarding the truck traffic impact on surrounding streets and the need for natural gas vehicles.

In response, and as detailed in the Environmental Analysis section above, existing CEQA prepared for the project was analyzed by the Lead Agency to determine whether a significant environmental impact would result from the proposed SWFP. To clarify, the Final EIR utilized a 1,500 TPD baseline with only heavy duty vehicles for CDI material. According to the Final EIR, since the use of medium duty vehicles allow for greater load capacity per trip, each MSW vehicle trip would eliminate two CDI vehicle trips thus resulting in lower emission factors.

The Department and LEA cannot restrict or limit the type of hauling vehicles as it does not fall under our regulatory authority.

Hours of Operation

A comment was received regarding the expansion of the hours of operation in an orderly manner.

In response, the hours of operation will be revised to include indoor processing of materials for 24 hours per day, Monday through Sunday. The receipt and transfer of materials will remain from 7:00AM to 8:00 PM, Monday through Sunday. Additionally, the facility will no longer receive, process, and transfer CDI debris material.

The facility may limit the hours of operation but the facility may not exceed the permitted hours of operation as described in the SWFP and as approved in the TPR. As for the comment regarding orderly process, please see the response to “Project Review/CEQA.”

Recordkeeping

A comment was received regarding the requirements for record keeping and reporting.

In response, as an existing permitted large volume transfer/processing facility, the operator is required to comply with record keeping requirements as described in 14 CCR Section 17414. The TPR, revised March 2014, was prepared to demonstrate how the facility will continue to meet record keeping requirements. Furthermore, the proposed permit includes a self-monitoring program that details the reporting requirements and submittal frequency as required by the LEA.

The permitted facility is inspected monthly by the LEA on a random basis in order to verify compliance with State Minimum Standards and permit requirements. As mentioned in the Compliance History section above, the facility has not received any violations of State Minimum Standards or permit requirements, including record keeping requirements, in the last five years.

Employee Hiring

A comment was received regarding the need for local employee hiring.

The hiring of employees does not fall under the authority of the Department or the LEA.

Local Fees/Taxes

A comment was received regarding the payment of local city taxes.

Local land use fees and taxes do not fall under the authority of the Department or the LEA.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meetings on July 15, 2014 and August 19, 2014. No comments were received during the Monthly Public Meetings.